

**RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #41-09**

**South Plainfield Borough, Middlesex County**

WHEREAS, on December 30, 2008, South Plainfield Borough, Middlesex County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5, on March 5, 2009, the Borough published notice of its petition in the *Home News Tribune*, which is the newspaper of general circulation within the county; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended May 27, 2009; and

WHEREAS, the Borough's fair share plan addresses a total 1987-2018 affordable housing obligation of 742 units, consisting of a 101-unit rehabilitation share, 342-unit prior round obligation and a 299-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Borough's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the Borough proposes to address its 101-unit rehabilitation share with one credit from a unit rehabilitated by the Middlesex County Rehabilitation Program and 100 units to be completed by the Middlesex County Rehabilitation Program for 101 units; and

WHEREAS, the Borough proposes to address its 339-unit prior round obligation with 29 prior cycle credits; 100 credits and 9 rental bonuses for 100 units at South Plainfield Senior Residences, an age-restricted, rental development; 38 credits and 38 rental bonuses for 38 units at The Highlands, a family, rental development; 32 credits and 32 rental bonuses for 32 units at Woodland Manor, a family, rental development; 57 credits for a 57-unit Regional Contribution

Agreement with New Brunswick; and 4 credits for 4 units at Hillside Avenue, a group home; and

WHEREAS, South Plainfield proposes to address a portion of its 299-unit projected growth share obligation with 10 credits for 10 prior cycle units; and

WHEREAS, South Plainfield proposes to address its remaining projected growth share obligation of 289 units with 156 credits and 74 rental bonuses for 230 units for Tyler Properties, also known as Harris Steel, a proposed inclusionary family, rental development; and 74 credits for 74 units at JSM at Tingley, a proposed inclusionary age-restricted, for-sale development; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on August 21, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of the Borough's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by the Borough of South Plainfield comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to the Borough of South Plainfield; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), the Borough shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if the Borough fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that South Plainfield shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that South Plainfield shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting South Plainfield's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of South Plainfield's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in South Plainfield and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Borough is not adhering to its implementation schedule pursuant to

N.J.A.C. 5:97- 3.2(a)4 or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, then the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, South Plainfield shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), South Plainfield's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of the Borough to provide for the realistic opportunity of its fair share of low- and moderate-income housing and which the Borough fails to remedy, may render this certification null and void.

I hereby certify that this resolution was  
duly adopted by the Council on Affordable  
Housing at its public meeting on October 14, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is fluid and cursive, with the first name "Renee" and last name "Reiss" clearly distinguishable.

Renee Reiss, Secretary  
Council on Affordable Housing



***Council on Affordable Housing  
Compliance Report  
August 21, 2009***



**Municipality:** *South Plainfield Borough*  
**County:** *Middlesex County*

**COAH Region:** *3*  
**Planning Area:** *1*  
**Special Resource Area:** *N/A*

**Housing Element and Fair Share Plan Adopted:** *December 9, 2008*  
**Petition for 3<sup>rd</sup> Round Substantive Certification:** *December 30, 2008*  
**Completeness Determination:** *February 10, 2009*  
**Date of Publication:** *March 5, 2009*

**Objections Received:** *No*

**Petition Includes:**

**VLA:** *No*  
**GPA:** *No*  
**Waiver:** *No*

**Date of Site Visit:** *August 19, 2009*

**History of Approvals:**

	<b>COAH</b>	<b>JOC</b>	<b>N/A</b>
<b>First Round:</b>	<i>October 19, 1987</i>		
<b>Second Round:</b>		<i>April 13, 1998</i>	
<b>Extended Certification:</b>			<i>x</i>

**Plan Preparer:** *Art Bernard, PP*

**Municipal Housing Liaison:** *Joanne Graf*

**Recommendation:** *Grant Substantive Certification*

***SUMMARY OF FAIR SHARE OBLIGATION***

Rehabilitation Share	101
Prior Round Obligation	342
Projected Growth Share Obligation	299

***ACTUAL GROWTH and GROWTH SHARE through September, 2008<sup>1</sup>***

<b>Res Units (#)</b>	<b>Actual Res Growth Share</b>	<b>Jobs (#)</b>	<b>Actual Non-Res Growth Share</b>	<b>Actual TOTAL Growth Share</b>
105	21 units	1,292	81 units	102 units

***COMPLIANCE PLAN SUMMARY***

<b>Obligation</b>	<b>Credit/ Mechanism Type</b>	<b># Units Completed</b>	<b># Units Proposed</b>	<b>TOTAL</b>
<b>Rehabilitation: 101 units</b>				
<b>Credits</b>	Post-April 1, 2000	1		1
<b>Program</b>	County/Municipal		100	100
<b>Rehabilitation Subtotal</b>				<b>101</b>
<b>NEW CONSTRUCTION:</b>				
<b>Prior Round: 342 units</b>				
<b>Credits</b>	Prior Cycle	29		29
	Post-1986	174		174
	RCA	57		57
<b>Prior Round Bonuses</b>	Rental	70		70
	Age-Restricted Rental	9		9
<b>Prior Round Subtotal</b>				<b>339</b>

<sup>1</sup> This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

<b>Growth Share: 299 units</b>				
<b>Credits</b>	Group Home	10		10
<b>Proposed Mechanisms</b>	Inclusionary Zoning		230	230
<b>Growth Share Bonuses</b>	Rental	74		74
<b>Growth Share Subtotal</b>				<b>314</b>
<b>Surplus</b>				<b>12</b>

## I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. South Plainfield's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share.

### A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, South Plainfield has a rehabilitation share of 101 units.

## **B. Prior Round Obligation**

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. South Plainfield has a prior round obligation of 379 that was reduced by an employment adjustment of 37 in a second round judgment of compliance. As a result, South Plainfield has an adjusted prior round obligation of 342 units.

## **C. Projected Growth Share**

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, South Plainfield has a residential projection of 518 units and a non-residential projection of 3131 jobs, which results in an initial projected growth share obligation of 299 affordable units. South Plainfield's total projected growth share for the period 1999-2018 is 299 affordable units consisting of a 103.60-unit projected residential growth share and a 195.69-unit projected non-residential growth share.<sup>2</sup>

### **SUMMARY OF FAIR SHARE OBLIGATION**

Rehabilitation Share	101
Prior Round Obligation	342
Projected Growth Share Obligation	299

## **II. FAIR SHARE PLAN**

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and

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<sup>2</sup> Pursuant to N.J.A.C. 5:97-2.2(d), South Plainfield's residential projection of 518 is divided by 5 to yield 103.60 units and the non-residential projection of 3,131 jobs is divided by 16 to yield 195.69 units. South Plainfield's total projected growth share is therefore 299 units (103.60 + 195.69).



growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

South Plainfield's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

**A. Plan to Address Rehabilitation Share**

**Rehabilitation Share Credits**

South Plainfield is requesting credit for one unit rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Rehabilitation Credits**

Rehabilitation Program			# Credits
Middlesex County Program	Rehab		1
TOTAL			1

**Proposed Rehabilitation Program**

***Middlesex County Rehabilitation Program***

South Plainfield will utilize the Middlesex County Rehabilitation Program to address 100 units of its rehabilitation obligation. The Borough anticipates that ten units per year will be rehabilitated by the County. If the County is unable to complete the Borough's obligation, South Plainfield is prepared to hire an experienced administrator to manage a local rehabilitation program. The Borough plans to utilize development fees to fund the program and has allocated \$672,000.00 in its spending plan. If necessary, the Borough has adopted a Resolution of Intent to Bond in case there is a shortfall of funds.

**Proposed Rehabilitation Program**

<b>Rehabilitation Program</b>	<b># Units</b>
Middlesex County Rehab Program	100
<b>TOTAL</b>	<b>100</b>

**B. Plan to Address Prior Round Obligation**

**Prior Round Obligation Credits**

South Plainfield is addressing the adjusted prior round obligation with 10 prior cycle credits and 343 post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

***Morris Avenue – South Plainfield Senior Residences***

South Plainfield Senior Residences, also known as Morris Avenue, was part of South Plainfield's second round judgment of compliance. Pursuant to N.J.A.C. 5:97-4.1(c), COAH will honor the judgment of compliance and allow the Township to claim credit for 100 age-restricted units in South Plainfield Senior Residences, even though the Age-Restricted Maximum has been determined to be 89 units.

**Prior Cycle Credits**

<b>Project/Development Name</b>	<b>Year Built</b>	<b>Type of Affordable Unit</b>	<b># Units/ Bedrooms</b>
Credits without Controls		family	10
Keystone Community	1982	group home	19
<b>TOTALS</b>			<b>29</b>

**Post-1986 Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
South Plainfield Senior Residences	2002	age-restricted, rental	100	rental	9	109
The Highlands	2000	family, rental	38	rental	38	76
Woodland Manors		family, rental	32	rental	32	64
RCA– New Brunswick	2003		57		0	57
Hillside Avenue	1991	group home	4	rental	0	4
<b>TOTALS</b>			<b>231</b>		<b>79</b>	<b>310</b>

**Proposed Affordable Housing Mechanisms**

South Plainfield is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

**Prior Round Obligation Parameters**

South Plainfield has satisfied the applicable Prior Round parameters as follows:

**Prior Round Rental Obligation:<sup>3</sup> 79 Units**

Development/Project Name	Type of Affordable Unit	# Units
The Highlands	family	38
Woodland Manors	family	32
South Plainfield Senior Residences	age-restricted	100
<b>TOTAL</b>		<b>170</b>

**Prior Round Age-Restricted Maximum<sup>4</sup> : 89 Units**

Development/Project Name	Type of Affordable Unit	# Units
South Plainfield Senior Residences	rental	100
<b>TOTAL</b>		<b>100</b>

**Regional Contribution Agreement (RCA) Maximum<sup>5</sup>: 206 Units**

Receiving Municipality	Type of Affordable Unit	# Units
New Brunswick	rehabilitation	57
<b>TOTAL</b>		<b>57</b>

<sup>3</sup> Rental Obligation: N.J.A.C. 5:97-3.10(b)1 Rental Obligation = 25 percent (Prior Round Obligation – Prior Cycle Credits) - .25 (342 – 29) = 79 units

<sup>4</sup> Age-Restricted Maximum: N.J.A.C. 5:97-3.10(c)1 Age-Restricted Maximum = 25 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits – Transferred RCA Units Addressing the Prior Round Obligation) = .25 (342 + 101 -29 – 1 – 57) = 89 units

<sup>5</sup> RCA Maximum: N.J.A.C. 5:97-3.10(c)1 RCA Maximum = 50 percent (Prior Round Obligation + Rehabilitation Share – Prior Cycle Credits – Rehabilitation Credits) = .5(342 + 101 – 29 – 1) = 206 units

**Prior Round Rental Bonus Maximum<sup>6</sup> : 79 Units**

<b>Development/Project Name</b>	<b>Type of Bonus</b>	<b># Bonuses</b>
The Highlands	family, rental	38
Woodland Manors	family, rental	32
South Plainfield Senior Residences	age-restricted, rental	9
<b>TOTAL</b>		<b>79</b>

**C. Plan to Address Projected Growth Share**

**Growth Share Obligation Credits**

South Plainfield is addressing 10 units of the projected growth share obligation with 10 units of credit. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

**Prior Cycle Credits**

<b>Project/Development Name</b>	<b>Year Built or Approved</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Keystone Community	1982	group home	10	-	0	10
<b>TOTALS</b>			<b>10</b>		<b>0</b>	<b>10</b>

**Proposed Affordable Housing Mechanisms**

South Plainfield proposes to address the remaining 289-unit growth share obligation through the following mechanisms:

<sup>6</sup> No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

***Harris Steel Site – Tyler Place***

South Plainfield will rely on zoning to address 230 units of its projected growth share obligation. The Harris Steel Site is located along the Borough's western border with Piscataway. The site, identified as Block 467, Lots 21 and 21, consists of 86.54 acres. Although the site is flat, it is constrained by wetlands on half of the site. The 25 garden apartment buildings will be located with access to New Brunswick Avenue, away from the wetlands and the associated buffers. The site is located in Planning Area 1 and has access to public water and sewer.

The Borough submitted an agreement between Tyler Properties and the Borough to develop the site, dated August 21, 2009. The agreement states that 708 garden apartments will be constructed on the site. Of the 708 units, 136 units will be available to low- and moderate-income households and 20 units will be deed restricted for very low-income households. **[156 low- and moderate-income family, rental units of which 20 units are very low-income units and 74 rental bonuses]**

***JSM at Tingley***

South Plainfield will utilize zoning to address 74 units of its projected growth share obligation. The site is located at the intersection of Coolidge Street and South Avenue, on Block 517, Lot 1. The location is comprised of 26.34 acres, of which it is estimated that 13 acres of the site has been mapped with "herbaceous wetland areas," leaving 10 acres for development. The site is located in PA1 and has access to public water and sewer.

The site was formerly zoned for non-residential uses, but is currently zoned SC-2, Senior Citizen Residential. The developer received final site plan approval on November 27, 2007. The approval was submitted as part of the Borough's petition. The site will be developed to include 484 age-restricted, for-sale units, of which 97 will be deed restricted for low- and moderate-income households. The Borough's projected growth share obligation is 299 units, as a result, the Borough may utilize 74 of the 97 deed restricted units to address a portion of its third round obligation. **[74 age-restricted, rental units]**

**Proposed Growth Share Affordable Housing Mechanisms**

<b>Type/Name of Affordable Housing Mechanism</b>	<b>Type of Affordable Unit</b>	<b># Units/Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
Harris Steel Site – Tyler Place	family, rental	156	rental	74	230
JSM at Tingley	age-restricted, for-sale	74	-	0	74
<b>TOTALS</b>		<b>230</b>		<b>74</b>	<b>304</b>

**Growth Share Parameters**

South Plainfield has satisfied the applicable Growth Share parameters as follows:

**Growth Share Rental Obligation:<sup>7</sup> 75 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Harris Steel Site – Tyler Place	family	156
<b>TOTAL</b>		<b>156</b>

**Growth Share Family Rental Requirement<sup>8</sup> : 38 Units**

<b>Development/Project Name</b>	<b>Type of Affordable Unit</b>	<b># Units</b>
Harris Steel Site – Tyler Place *	family	156
<b>TOTAL</b>		<b>156</b>

\*In accordance with N.J.A.C. 5:97-3.6(a)4, 75 of these units are addressing the minimum rental requirement and are therefore not eligible to receive rental bonuses.

<sup>7</sup> Projected Growth Share Rental Obligation:  $.25(\text{Projected Growth Share})$  or  $.25(299)=75$  units N.J.A.C. 5:97-3.10(b)3

<sup>8</sup> Projected Growth Share Family Rental Requirement:  $.5(\text{Projected Growth Share Rental Requirement})$  or  $.5(75)=38$  units N.J.A.C. 5:97-3.4(b)

**Growth Share Minimum Family Requirement<sup>9</sup> : 113 Units**

Development/Project Name	Type of Affordable Unit	# Units
Harris Steel Site – Tyler Place	family, rental	156
<b>TOTAL</b>		<b>156</b>

**Very Low Income Minimum Requirement<sup>10</sup> : 30 Units**

Development/Project Name	Type of Affordable Unit	# Units
Harris Steel Site – Tyler Place	family, rental	20
Keystone Community	group home	10
<b>TOTAL</b>		<b>30</b>

**Age-Restricted Maximum<sup>11</sup> : 74 Units**

Development/Project Name	Type of Affordable Unit	# Units
JSM at Tingley	age-restricted, for-sale	74
<b>TOTAL</b>		<b>74</b>

**Bonus Maximum<sup>12</sup>: 74 Bonuses**

Development/Project Name	Type of Bonus	# Bonuses
Harris Steel Site – Tyler Place	family, rental	74
<b>TOTAL</b>		<b>74</b>

<sup>9</sup> Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(225)= 113 units N.J.A.C. 5:97-3.9

<sup>10</sup> Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(225)= 30 units pursuant to P.L.2008, c.46

<sup>11</sup> Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(299)= 74 units N.J.A.C. 5:97-3.10(c)2

<sup>12</sup> Projected Bonus Maximum: .25(Projected Growth Share) or .25(299)= 74 units N.J.A.C. 5:97-xxx



### **Actual Growth Share Obligation**

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, South Plainfield issued certificates of occupancy for 105 housing units and for the non-residential square footage equivalent of 1,292 jobs, yielding an actual growth share obligation through September 30, 2008, of 102 affordable units.<sup>13</sup>

### **D. Summary of Plan to Address Fair Share Obligation**

#### **REHABILITATION SHARE SUMMARY**

##### **Rehabilitation Share: 101 Units**

<b>Program Name</b>	<b># Units</b>
Rehabilitation Credit	1
Middlesex County Rehabilitation Program	100
<b>TOTAL</b>	<b>101</b>

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<sup>13</sup> The number of residential COs (105) is initially divided by 5 to yield 21 units and the number of jobs (1,292) is initially divided by 16 to yield 81 units. South Plainfield's total actual growth share is therefore 102 units (21 + 81). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

**PRIOR ROUND SUMMARY**  
**Prior Round Obligation: 342 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	Credits without Controls	10			10
	Keystone Community	19			19
<b>Post-1986 Credits</b>	South Plainfield Senior Residences	100	rental	9	109
	The Highlands	38	rental	38	76
	Woodland Manors	32	rental	32	64
	Hillside Avenue	4	-	0	4
	RCA – New Brunswick	57	-	0	57
<b>Subtotal</b>		<b>260</b>		<b>79</b>	<b>339</b>
<b>TOTAL</b>					<b>339</b>
<b>Shortfall</b>					<b>3</b>

**GROWTH SHARE SUMMARY**  
**Projected Growth Share Obligation: 299 Units**

	<b>Name of Mechanism</b>	<b># Units/ Bedrooms</b>	<b>Bonus Type</b>	<b># Bonuses</b>	<b>Total Units/Bedrooms + Bonuses</b>
<b>Prior Cycle Credits</b>	Keystone Community	10	-	0	10
<b>Subtotal</b>		<b>10</b>		<b>0</b>	<b>10</b>

<b>Proposed Mechanisms</b>	Harris Steel – Tyler Place	156	rental	74	230
	JSM at Tingley	74	-	0	74
	<b>Subtotal</b>	<b>230</b>		<b>74</b>	<b>304</b>
<b>TOTAL</b>					<b>314</b>
<b>Surplus</b>					<b>15</b>

### III. FAIR SHARE DOCUMENT REVIEW

#### A. Development Fee Ordinance

COAH granted South Plainfield approval of an amendment to its development fee ordinance on March 9, 2009.

#### B. Third Round Spending Plan

A revised third round spending plan was submitted by South Plainfield with the Borough's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

#### C. Affordable Housing Ordinance/Affordable Housing Administration

South Plainfield has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has been amended to comply with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45

days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Borough. The Borough must adopt a resolution naming the municipal employee designated as the municipal housing liaison within 45 days of COAH's grant of substantive certification and submit to COAH immediately upon adoption.

South Plainfield is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Borough and must identify an experienced administrative entity for that purpose by contract, agreement or letter. South Plainfield has designated a municipal employee as its administrative entity for all affordable units. Pursuant to N.J.A.C. 5:80-26.14(b), South Plainfield must submit a written operating manual for administering affordable units within the Borough within 45 days of COAH's grant of substantive certification and submit to COAH immediately upon adoption.

#### **D. Affirmative Marketing Plan**

South Plainfield has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the completed units in the Borough's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Borough within 45 days of COAH's grant of substantive certification and submitted to COAH.

### **IV. MONITORING**

South Plainfield must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must

be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify South Plainfield in writing and the Borough may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of South Plainfield's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in South Plainfield and the number of units required pursuant to N.J.A.C 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

## **V. RECOMMENDATION**

COAH staff recommends that South Plainfield be granted third round substantive certification. The Borough must submit to COAH within 45 days of the grant of substantive certification: a resolution appointing a municipal employee to the municipal housing liaison position and an operating manual for the Borough's existing affordable units. South Plainfield must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.